

Regulation of international jurisdiction of courts in Brussels I bis Regulation

Abstract

This master thesis deals with the international jurisdiction of courts in Brussels I bis Regulation. The main aim is to analyse the provisions of the Brussels I bis Regulation and compare them with the previous Brussels I Regulation and with the proposed amendments. Attention is paid to the choice of court agreements as an instrument providing the party autonomy, and also to the controversial issues of the new regulation. The thesis is divided into four chapters.

The first chapter presents the history of the European international jurisdiction which is reliant on the development of the European integration. It shows the background of preparation of the Brussels Convention, the Lugano Convention, the Brussels I Regulation and its recast.

The second chapter focuses on the scope of application of the Brussels I bis Regulation. Before the analyse of individual provision, the attention is paid to the international element as the implicit condition to apply the Brussels I bis Regulation. The thesis then explores the material scope of the regulation stressing the term “civil and commercial matters”. The originally proposed universal scope is examined within the personal scope of the regulation. However, it was implemented only partially. The personal scope is followed by the territorial and temporal scope of application. The end of this chapter addresses the interaction between the regulation and international agreements or other instruments.

The third chapter deals with the rules of international jurisdiction and the interaction between them. The thesis outlines the general and special provisions on international jurisdiction aiming at protecting a weaker party, exclusive jurisdiction and the “tacit prorogation”. At the end, the chapter examines the provisions on *lis pendens* which went through significant development.

The last chapter describes the choice of court agreements. It addresses the material and formal requirements of these agreements, the scope of their application and their interaction with the law of third states. The chapter is ended with the issue of applicable law on the substantial validity of the choice of court agreements.

Keywords: Brussels I bis Regulation, international jurisdiction, choice of court agreement